



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Alonzo T. Roach, et al.--Reconsideration

File: B-227553.2

Date: July 17, 1987

### DIGEST

Federal employees are not interested parties eligible to protest a procurement action because they are not actual or prospective offerors under the solicitation.

### DECISION

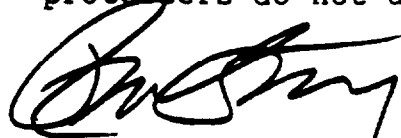
Federal employees Alonzo T. Roach, Carl E. Stein, Dora A. Smith and David A. Grady ask that we reconsider our dismissal of their protest of the Department of the Army's award of a contract to Northrop Worldwide Aircraft Services, Inc., under request for proposals (RFP) No. DABT39-85-R-0001. The RFP was issued as part of a cost comparison, under Office of Management and Budget Circular No. A-76, to determine whether to perform the services in-house or acquire them by contract. We dismissed the protest because the employees were not interested parties within the meaning of our Bid Protest Regulations, 4 C.F.R. part 21 (1986).

We affirm the dismissal. Under the Competition in Contracting Act of 1984, 31 U.S.C. § 3551(2) (Supp. III 1985), and our Bid Protest Regulations, 4 C.F.R. § 21.0(a), a protest may be filed only by an actual or prospective bidder or offeror whose direct economic interests would be affected by the award or failure to award a contract. Federal government employees simply are not actual or prospective offerors within the meaning of the statute and our Regulations, so that they are not eligible to file a protest. National Federation of Federal Employees, B-225335.2, Feb. 5, 1987, 87-1 C.P.D. ¶ 124.

Moreover, we generally do not consider protests of agency decisions under Circular No. A-76 since the provisions of the Circular are matters of executive branch policy which do not create legal rights or responsibilities. Boulder Scientific Co., B-225644, Mar. 20, 1987, 87-1 C.P.D. ¶ 323. The only exception is where it is alleged that the cost

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comparison was faulty or misleading, id., which the protesters do not argue here, in any event.

A handwritten signature in black ink, appearing to read "Harry R. Van Cleve".

for Harry R. Van Cleve  
General Counsel